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FILED

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2129 /2002

PETITIONER : Dulmat Bai w/o Shri Chaituram,
aged about 35 years, Resident and
Sarpanch of gram panchayat Koylar
Jhori, Block Borla Tahsil Kawardha,
Distt. Kawardha (C.G.)

Vs.

RESPONDENTS :

1. State of Chhattisgarh
Through The Secretary
Department of Panchayat Mantralaya
D.K.S. Building, Raipur.
2. Chief Executive Officer,
Gram Panchayat Koylar Jhori,
Tahsil - Kawardha, Distt.
Kawardha.
3. District Collector
District Kawardha
4. Returning Officer
Panchayat, Koylar Jhori
Distt. Kawardha

P. R. No. 1987/12
Presented by Shri K. K. K. K.
dated 24.9.02



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA.

(51)

आदेश पत्रक

C.O.P. No. 2129/02

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DB: Hon'ble Justice K. H. N. Kuranga, C.J. & Hon'ble Justice L. C. Bhadoo, J. 15/10/2003 Petitioner by Smt. Renu Kocher, Advocate. Respondents No. 1 and 3 by Shri Sunil Sinha, Additional Advocate General. By this writ petition under Articles 226/227 of the Constitution of India the petitioner has challenged the constitutional validity and the vires of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'the Adhiniyam) which lays down that no person shall be eligible to be an office-bearer of the Panchayat who has more than two living children one of whom is born on or after 26th day of January, 2001. The challenge to the above clause does not survive in view of the law laid down by the Hon'ble Apex Court in the case of Javed and others Vs. State of Haryana and others reported in 2003 AIR SCW 3892 and also in view of the order passed by this Court in the case of Yashwant Kumar Sahu Vs. State of Chhattisgarh and another passed in Writ Petition No. 463 of 2002. <i>Per 12.09.02</i>	



आदेश पत्रक

W.P. No. 2129/02

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	The petitioner has also challenged the order of removal passed by the Collector, Kawardha dated 24th October 2002. The petitioner has efficacious alternative remedy to file an appeal before the Director of Panchayat on the factual grounds against the order passed by the Collector. In view of the above there is no force in the petition of the petitioner, the same is liable to be dismissed and it is dismissed. However, the petitioner shall be at liberty to file appeal before the Director of Panchayat against the order dated 24th October, 2002 by which he has been declared disqualified to continue as office bearer of the Village Panchayat Koyla Rajhori, Tehsil- Kawardha, District- Kawardha. The petitioner will be entitled to the benefit of the limitation for the time spent by ^{him} ~~them~~ in litigating before this Court in this writ proceeding. The parties are entitled for certified copy of this order. Sd/- Chief Justice	Sd/- L.C.BHADOO Judge